

MONTANA LEGISLATIVE HISTORY

Chapter 361 19 83

Bill H _____ S 262 Original bill & history ✓ C

H. Committee on State Administration

Hearing Date(s) Mar 18 ✓ C

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Date Out Mar 18 ✓ C

S. Committee on State Administration

Hearing Date(s) Jan 31 ✓ C

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Jan 31 minutes for this bill
were the only ones that could be
located.

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

SIGNED: 04/04/83, CHAPTER 353

SB 266 -- MARBUT, HALLIGAN, NORMAN, ET AL. -- REVISING THE UNIFORM ANATOMICAL GIFT ACT....

INTRODUCED: 01/24/83
REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY: 01/24/83
HEARING: 2/7/83
REPORT: 02/14/83, DO PASS, AS AMENDED
2ND READING: 2/16/83 AYES: 50; NAYS: 0
3RD READING: 02/19/83 AYES: 48; NAYS: 0

TRANSMITTED TO HOUSE: 02/19/83
REFERRED TO COMMITTEE ON HUMAN SERVICES: 03/01/83
HEARING: 3/23/83
REPORT: 03/23/83, BE CONCURRED IN
2ND READING: 03/26/83, BE CONCURRED IN AYES: 80; NAYS: 1
3RD READING: 03/28/83, BE CONCURRED IN AYES: 98; NAYS: 0

RETURNED TO SENATE: 03/28/83

TRANSMITTED TO GOVERNOR: 04/01/83
SIGNED: 04/06/83, CHAPTER 403

SB 267 -- ETCHART, BOYLAN -- CHANGING THE NAME OF THE INSTITUTIONS AT WARM SPRINGS AND GALEN TO THE MONTANA STATE HOSPITAL ...; AND INSTRUCTING THE CODE COMMISSIONER TO MAKE PROPER CHANGES IN MATERIAL ENACTED BY THE 48TH LEGISLATURE.
BY REQUEST OF: THE DEPARTMENT OF INSTITUTIONS

INTRODUCED: 01/24/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 01/24/83
HEARING: 1/31/83
REPORT: 02/08/83, DO PASS, AS AMENDED
2ND READING: 02/11/83 AYES: 50; NAYS: 0
3RD READING: 02/14/83 AYES: 44; NAYS: 5

TRANSMITTED TO HOUSE: 2/14/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 03/01/83
HEARING: 3/18/83
REPORT: 03/19/83, BE CONCURRED IN
2ND READING: 03/22/83, BE CONCURRED IN AYES: 84; NAYS: 2
3RD READING: 03/23/83, BE CONCURRED IN AYES: 92; NAYS: 2

RETURNED TO SENATE: 3/23/83

TRANSMITTED TO GOVERNOR: 03/30/83
SIGNED: 04/04/83, CHAPTER 361

SB 268 -- RICHARD MANNING -- CONSOLIDATING THE ADMINISTRATION OF DISABILITY, RETIREMENT AND PENSION BENEFITS PROVIDED IN THE VOLUNTEER FIREFIGHTERS' COMPENSATION ACT INTO THE PUBLIC EMPLOYEES' RETIREMENT BOARD ...; AND PROVIDING AN EFFECTIVE DATE.
BY REQUEST OF: THE PUBLIC EMPLOYEES' RETIREMENT DIVISION

INTRODUCED: 01/24/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 01/24/83
HEARING: 1/31/83
REPORT: 02/02/83, DO PASS

SENATE BILL NO. 267

INTRODUCED BY ETCHART, BOYLAN

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE SENATE

January 24, 1983	Introduced and referred to Committee on State Administration.
February 8, 1983	Committee recommend bill do pass as amended. Report adopted.
February 9, 1983	Bill printed and placed on members' desks.
February 10, 1983	Second reading, pass consideration.
February 11, 1983	Second reading, do pass.
February 12, 1983	Correctly engrossed.
February 14, 1983	Third reading, passed. Ayes, 44; Nays, 5. Transmitted to House.

IN THE HOUSE

March 1, 1983	Introduced and referred to Committee on State Administration.
March 19, 1983	Committee recommend bill be concurred in. Report adopted.
March 22, 1983	Second reading, concurred in.
March 23, 1983	Third reading, concurred in.

IN THE SENATE

March 24, 1983

Returned to Senate. Sent to
enrolling.

Reported correctly enrolled.

STATE OF MONTANA

REQUEST NO. 234-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 25, , 19 83 , there is hereby submitted a Fiscal Note
for Senate Bill 268 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members
of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

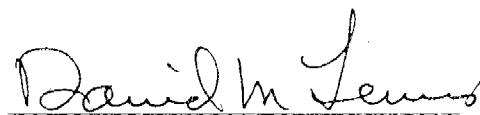
Senate Bill 268 is an act to consolidate the administration of certain benefits
provided in the volunteer firefighters' compensation act under the Public Employees'
Retirement Board.

COMMENTS:

No dollar estimates are presented. The bill represents a minor change in administ-
rative policy. No additional FTE's or significant operating expenses will be required
for the Public Employees' Retirement Division.

This bill does not appear to cause any fiscal impact on the Worker's Compensation
Division. The division currently handles minimal volunteer firefighters' compen-
sation claims activity and makes no charge to the fund for their administrative
efforts.

FISCAL NOTE 8:FF/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-31-83

SENATE BILL NO. 267

INTRODUCED BY ETCHART, BOYLAN

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE NAME OF THE INSTITUTIONS AT WARM SPRINGS AND GALEN TO THE MONTANA STATE HOSPITAL; ~~CLARIFYING THE FUNCTIONS OF THE HOSPITAL; AND ELIMINATING THE JUVENILE RECEPTION AND EVALUATION CENTER~~; AMENDING SECTIONS 7-32-2144, 46-14-202, 46-14-213, 46-14-301 THROUGH 46-14-304, 46-19-202, 50-17-104, 53-1-104, 53-1-202, 53-1-402, 53-6-301 THROUGH 53-6-304, 53-20-214, 53-21-102, 53-21-202, 53-21-203, 53-21-401, 53-21-402, 53-21-411, 53-21-412, AND 53-30-211, MCA; REPEALING SECTIONS 53-21-301, 53-21-302, AND 53-30-201, MCA; AND INSTRUCTING THE CODE COMMISSIONER TO MAKE PROPER CHANGES IN MATERIAL ENACTED BY THE 48TH LEGISLATURE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-32-2144, MCA, is amended to read:

"7-32-2144. Mileage and expenses of sheriff for delivery of prisoners and mentally ill persons. (1) A sheriff delivering prisoners at the state prison or a juvenile correctional facility or mentally ill persons at the ~~Warm-Springs Montana~~ state hospital or other mental health facility receives actual expenses necessarily

incurred in their transportation. The expenses include the expenses of the sheriff in going to and returning from the institution. The sheriff shall take vouchers for every item of expense. The amount of these expenses, as shown by the vouchers when presented by the sheriff, shall be audited and allowed by the attorney general or by the board of county commissioners, as the case may be, and paid out of the same money and in the same manner as are other expense claims against the state or counties. In determining the actual expense if travel is by a privately owned vehicle, the mileage rate shall be allowed as provided in subsection (2). No other or further compensation may be received by sheriffs for such expenses.

(2) Unless otherwise provided, while in the discharge of his duties, both civil and criminal, the sheriff receives a mileage allowance as provided in 2-18-503. The sheriff shall also be reimbursed for actual and necessarily incurred expenses for transporting, lodging, and feeding persons ordered by the court as provided in 2-18-501 through 2-18-503. The county is not liable for and the board of county commissioners may not pay for any claim of the sheriff or other officer for any other expenses incurred in travel or for subsistence in cases where mileage is allowed under this section, the fees for mileage named in this section being in full for all such traveling expenses in

1 both civil and criminal work."

2 Section 2. Section 46-14-202, MCA, is amended to read:

3 "46-14-202. Psychiatric examination of defendant. (1)

4 If the defendant or his counsel files a written notice of
5 his intent to rely on a mental disease or defect under
6 46-14-201 or raises the issue of his fitness to proceed, the
7 court shall appoint at least one qualified psychiatrist or
8 shall request the superintendent of Warm-Springs ~~the Montana~~
9 state hospital to designate at least one qualified
10 psychiatrist, which designation may be or include himself,
11 to examine and report upon the mental condition of the
12 defendant.

13 (2) The court may order the defendant to be committed
14 to a hospital or other suitable facility for the purpose of
15 the examination for a period of not exceeding 60 days or
16 such longer period as the court determines to be necessary
17 for the purpose and may direct that a qualified psychiatrist
18 retained by the defendant be permitted to witness and
19 participate in the examination.

20 (3) In the examination any method may be employed
21 which is accepted by the medical profession for the
22 examination of those alleged to be suffering from mental
23 disease or defect."

24 Section 3. Section 46-14-213, MCA, is amended to read:

25 "46-14-213. Psychiatric testimony upon trial. (1) Upon

1 the trial, any psychiatrist who reported under 46-14-202 and
2 46-14-203 may be called as a witness by the prosecution or
3 by the defense. If the issue is being tried before a jury,
4 the jury may not be informed that the psychiatrist was
5 designated by the court or by the superintendent of Warm
6 Springs ~~the Montana~~ state hospital. Both the prosecution
7 and the defense may summon any other qualified psychiatrist
8 or other expert to testify, but no one who has not examined
9 the defendant is competent to testify to an expert opinion
10 with respect to the mental condition of the defendant, as
11 distinguished from the validity of the procedure followed by
12 or the general scientific propositions stated by another
13 witness.

14 (2) When a psychiatrist or other expert who has
15 examined the defendant testifies concerning the defendant's
16 mental condition, he may make a statement as to the nature
17 of his examination, his diagnosis of the mental condition of
18 the defendant at the time of the commission of the offense
19 charged, and his opinion as to the ability of the defendant
20 to have a particular state of mind which is an element of
21 the offense charged. The expert may make any explanation
22 reasonably serving to clarify his diagnosis and opinion and
23 may be cross-examined as to any matter bearing on his
24 competency or credibility or the validity of his diagnosis
25 or opinion."

Section 4. Section 46-14-301, MCA, is amended to read:

"46-14-301. Commitment upon finding of not guilty by reason of lack of mental state -- hearing to determine release or discharge. (1) When a defendant is found not guilty for the reason that due to a mental disease or defect he could not have a particular state of mind that is an essential element of the offense charged, the court shall order a predisposition investigation in accordance with 46-18-112 and 46-18-113, which must include an investigation of the present mental condition of the defendant. If the trial was by jury, the court shall hold a hearing to determine the appropriate disposition of the defendant. If the trial was by the court, the court may hold a hearing to obtain any additional testimony it considers necessary to determine the appropriate disposition of the defendant. In either case, the testimony and evidence presented at the trial shall be considered by the court in making its determination.

(2) The court, upon finding that the defendant may not be discharged or released without danger to others, shall order the defendant committed to the custody of the superintendent of Warm-Springs the Montana state hospital to be placed in an appropriate institution for custody, care, and treatment.

(3) A person committed to the custody of the

superintendent shall have a hearing within 180 days of his confinement to determine his present mental condition and whether he may be discharged or released without danger to others. The hearing shall be conducted by the court which ordered the commitment unless that court transfers jurisdiction to the third judicial district. The court shall cause notice of the hearing to be served upon the person, his counsel, and the prosecuting attorney. Such a hearing shall be deemed a civil proceeding, and the burden shall be upon the defendant to prove by a preponderance of the evidence that he may be safely released.

(4) According to the determination of the court upon the hearing, the defendant shall be discharged or released on such conditions as the court determines to be necessary or shall be committed to the custody of the superintendent of the Warm-Springs Montana state hospital to be placed in an appropriate institution for custody, care, and treatment."

Section 5. Section 46-14-302, MCA, is amended to read:

"46-14-302. Discharge or release upon motion of superintendent. (1) If the superintendent of Warm-Springs the Montana state hospital believes that a person committed to his custody under 46-14-301 may be discharged or released on condition without danger to himself or others, he shall make application for the discharge or release of the person

1 in a report to the court by which the person was committed
2 and shall send a copy of the application and report to the
3 county attorney of the county from which the defendant was
4 committed.

5 (2) The court shall then appoint at least two
6 qualified psychiatrists to examine the person and to report
7 their opinion as to his mental condition within 60 days or a
8 longer period which the court determines to be necessary for
9 the purpose. To facilitate the examinations and the
10 proceedings thereon, the court may have the person confined
11 in any institution located near the place where the court
12 sits which may hereafter be designated by the superintendent
13 of Warm--Springs the Montana state hospital as suitable for
14 the temporary detention of irresponsible persons.

15 (3) If the court is satisfied by the report filed
16 under subsection (1) of this section and the testimony of
17 the reporting psychiatrists which the court considers
18 necessary that the committed person may be discharged or
19 released on condition without danger to himself or others,
20 the court shall order his discharge or his release on
21 conditions which the court determines to be necessary.

22 (4) If the court is not satisfied, it shall promptly
23 order a hearing to determine whether the person may safely
24 be discharged or released. A hearing is considered a civil
25 proceeding, and the burden is upon the committed person to

1 prove by a preponderance of the evidence that he may safely
2 be discharged or released. According to the determination
3 of the court upon the hearing, the committed person shall
4 then be discharged or released on conditions which the court
5 determines to be necessary or shall be recommitted to the
6 custody of the superintendent of Warm--Springs the Montana
7 state hospital, subject to discharge or release only in
8 accordance with the procedures prescribed in this section
9 and 46-14-303."

10 Section 6. Section 46-14-303, MCA, is amended to read:
11 "46-14-303. Application for discharge or release by
12 committed person. A committed person may make application
13 for his discharge or release to the court by which he was
14 committed, and the procedure to be followed upon the
15 application is the same as that prescribed above in the case
16 of an application by the superintendent of Warm-Springs the
17 Montana state hospital. However, an application by a
18 committed person need not be considered until he has been
19 confined for a period of not less than 6 months from the
20 date of the order of commitment, and if the determination of
21 the court is adverse to the application, the person shall
22 not be permitted to file a further application until 1 year
23 has elapsed from the date of any preceding hearing on an
24 application for his release or discharge."

25 Section 7. Section 46-14-304, MCA, is amended to read:

"46-14-304. Recommitment after conditional release. If within 5 years after the conditional release of a committed person the court determines after hearing evidence that the conditions of release have not been fulfilled and that for the safety of the person or for the safety of others his conditional release should be revoked, the court shall immediately order him to be recommitted to the superintendent of Warm-Springs the Montana state hospital, subject to discharge or release only in accordance with the procedures prescribed in 46-14-302 and 46-14-303."

Section 8. Section 46-19-202, MCA, is amended to read:

"46-19-202. Proceedings following determination regarding fitness. (1) If it is found that defendant is mentally fit as provided in 46-19-201, the sheriff must execute the judgment.

(2) If it is found that he lacks fitness, the execution of judgment must be suspended and the court shall commit him to the custody of the superintendent of Warm Springs the Montana state hospital to be placed in an appropriate institution of the department of institutions for so long as the lack of fitness endures.

(3) When the court, on its own motion or upon application of the superintendent of Warm--Springs the Montana state hospital, the county prosecuting officer, or the defendant or his legal representative, determines after

a hearing, if a hearing is requested, that the defendant has regained fitness to proceed, the sheriff shall be directed by the court to carry out the execution. If, however, the court is of the view that so much time has elapsed since the commitment of the defendant that it would be unjust to proceed with execution of the sentence, the court may suspend the execution of the sentence and may order the defendant to be discharged."

Section 9. Section 50-17-104, MCA, is amended to read:

"50-17-104. Facilities for diagnosis and treatment of tuberculosis. (1) ~~Seten the~~ the Montana state hospital shall maintain facilities to carry out this chapter.

(2) The charge for care, treatment, and maintenance at ~~Seten the~~ the Montana state hospital shall be at the rate fixed by law."

Section 10. Section 53-1-104, MCA, is amended to read:

"53-1-104. Release of arsonist -- notification of fire marshal bureau. (1) Each of the following institutions or facilities having the charge or custody of a person convicted of arson or of a person acquitted of arson on the ground of mental disease or defect shall give written notification to the fire marshal bureau of the department of justice whenever such a person is admitted or released by it:

(a) Warm-Springs Montana state hospital;

- (b) State prison;
 - (c) Mountain View school;
 - (d) Pine Hills school;
 - (e) Swan River youth forest camp;
 - (f) Any county or city detention facility.
- (2) The notification shall disclose:
- (a) the name of the person;
 - (b) where the person is or will be located; and
 - (c) the type of fire the person was involved in."

Section 11. Section 53-1-202, MCA, is amended to read:

"53-1-202. Institutions in department. (1) The following institutions are in the department:

- (a) ~~Galen Montana~~ state hospital;
- (b) Montana veterans' home;
- (c) State prison;
- (d) Mountain View school;
- (e) Pine Hills school;
- (f) Boulder River school and hospital;
- ~~(g)---Warm-Springs-state-hospital;~~
- ~~(h)(1)~~ Montana center for the aged;
- ~~(i)(1)~~ Swan River youth forest camp;
- ~~(j)(1)~~ Eastmont training center;

~~(k)(1)~~ Any other institution which provides care and services for juvenile delinquents, including but not limited to youth forest camps and juvenile reception and evaluation

centers.

(2) A state institution may not be moved, discontinued, or abandoned without prior consent of the legislature."

Section 12. Section 53-1-402, MCA, is amended to read:

"53-1-402. Residents subject to per diem and ancillary charges. The department shall collect and process per diem and ancillary payments for the care of residents in the following institutions:

- (1) Warm-Springs Montana state hospital;
- (2) Boulder River school and hospital;
- ~~(3)---Galen-state-hospital;~~
- ~~(4)(1)~~ Montana veterans' home;
- ~~(5)(1)~~ Montana center for the aged; and
- ~~(6)(1)~~ Eastmont training center."

Section 13. Section 53-6-301, MCA, is amended to read:

"53-6-301. Location and primary function of hospital. (1) The institution ~~AGENCY located---at~~ providing comprehensive health care services at Galen and Warm Springs, Montana, is the Galen Montana state hospital and as its primary function provides:

- ~~(a) care and treatment of mentally ill persons;~~
- ~~(b) DIAGNOSIS, CARE, EVALUATION, TREATMENT, REFERRAL, AND REHABILITATION OF PERSONS AFFLICTED WITH CHEMICAL DEPENDENCY;~~

(1) care and treatment of institutional residents or clients of the department's community and residential programs who require acute hospital care or nursing care;

(2) treatment of tuberculosis and silicosis (commonly called miner's consumption);

(3) detoxification, diagnosis, care, treatment and referral for and rehabilitation of those persons who seek relief from the illness of alcoholism, disabling effects of alcohol and other chemical substances; and

(4) contingent upon space and funds, the treatment of pulmonary diseases and other medical or organic disorders that the institution is directed to treat.

(5) If there are space and funds available, the hospital shall also treat the following:

(a) emphysema, bronchiectasis, carcinoma of the lung, and other diseases of the lung pertaining to pulmonary disorders;

(b) geriatric and senile patients afflicted with pulmonary disorders and patients who are residents of another state institution as defined in 53-1-1014;

(6) The campus facility at Warm Springs, Montana, is the component designated as the mental health facility, as defined in 53-21-102, of the department of institutions for the care and treatment of mentally ill persons.

(7) The DESIGNATED campus facility FACILITIES at

Galen, Montana, is the component COMPONENTS designated as the DEPARTMENT'S residential treatment facility FACILITIES of the department of institutions for those persons suffering from chemical dependency.

(8) The campus facility at Galen, Montana, licensed to provide acute hospital and intermediate nursing care, is the FACILITY component designated for the care and treatment of the medical and organic disorders described in this section."

Section 14. Section 53-6-302, MCA, is amended to read:

"53-6-302. Qualifications of superintendent. The superintendent of Galen the Montana state hospital shall be an individual with a minimum of 3 years' full-time hospital administration experience and who is either:

(1) a physician legally qualified to practice medicine in Montana; or

(2) a person with a master's degree in hospital administration, business, or in a health care- or human services-related field."

Section 15. Section 53-6-303, MCA, is amended to read:

"53-6-303. Transfer of patients from Galen to mental institution. A mentally retarded or mentally ill person residing at the Galen campus facility of the Montana state hospital may be transferred to the Warm Springs campus facility of the Montana state hospital, the Montana center

1 for the aged, or the Boulder River school and hospital with
 2 the approval of the department of institutions if the
 3 department determines that the transfer will be in the best
 4 interests of the patient. Unless a medical or psychiatric
 5 emergency exists, 15 days prior to the transfer the
 6 department shall send notice of the proposed transfer to the
 7 patient's parent, guardian, or spouse or, if none is known,
 8 his nearest relative or friend. In the case of an emergency
 9 transfer, the department shall send notice within 72 hours
 10 after the time of transfer."

11 Section 16. Section 53-6-304, MCA, is amended to read:

12 "53-6-304. Alcoholic treatment center. (1) There is an
 13 alcoholic treatment center located at the ~~Golden~~ Montana
 14 state hospital. The admittance and discharge procedures for
 15 alcoholics are the same as for ill persons.

16 (2) As used in this section:

17 (a) "alcoholism" means a chronic illness or disorder
 18 of behavior characterized by repeated drinking of alcoholic
 19 beverages to an extent which endangers the drinker's health,
 20 interpersonal relations, or economic functioning or to an
 21 extent which endangers the public health, welfare, or
 22 safety;

23 (b) an "alcoholic" is a person suffering from the
 24 illness of alcoholism.

25 (3) The alcoholic treatment center shall provide care,

1 evaluation, treatment, referral, and rehabilitation to
 2 persons in Montana who are referred for the treatment of the
 3 illness of alcoholism or the complications thereof."

4 Section 17. Section 53-20-214, MCA, is amended to
 5 read:

6 "53-20-214. Certain transfers of funds authorized.
 7 Funds appropriated to the department of institutions, ~~Warm~~
 8 ~~Springs~~ Montana state hospital, ~~Golden-state-hospital~~, or
 9 Boulder River school and hospital may be transferred by
 10 budget amendment as provided in appropriation acts and with
 11 the approval of the governor to the department of social and
 12 rehabilitation services for comprehensive developmental
 13 disability systems if residents of any of those institutions
 14 are transferred to a comprehensive developmental disability
 15 system resulting in less expenditures at that institution
 16 than allowed by legislative appropriation."

17 Section 18. Section 53-21-102, MCA, is amended to
 18 read:

19 "53-21-102. Definitions. As used in this part, the
 20 following definitions apply:

21 (1) "Board" or "mental disabilities board of visitors"
 22 means the mental disabilities board of visitors created by
 23 2-15-211.

24 (2) "Court" means any district court of the state of
 25 Montana.

1 (3) "Department" means the department of institutions
2 provided for in Title 2, chapter 15, part 23.

3 (4) "Emergency situation" means a situation in which
4 any person is in imminent danger of death or serious bodily
5 harm from the activity of a person who appears to be
6 seriously mentally ill.

7 (5) "Mental disorder" means any organic, mental, or
8 emotional impairment which has substantial adverse effects
9 on an individual's cognitive or volitional functions.

10 (6) "Mental health facility" or "facility" means a
11 public hospital or a licensed private hospital which is
12 equipped and staffed to provide treatment for persons with
13 mental disorders or a community mental health center or any
14 mental health clinic or treatment center approved by the
15 department. No correctional institution or facility or jail
16 is a mental health facility within the meaning of this part.

17 (7) "Next of kin" shall include but need not be
18 limited to the spouse, parents, adult children, and adult
19 brothers and sisters of a person.

20 (8) "Patient" means a person committed by the court
21 for treatment for any period of time or who is voluntarily
22 admitted for treatment for any period of time.

23 (9) "Peace officer" means any sheriff, deputy sheriff,
24 marshal, policeman, or other peace officer.

25 (10) "Professional person" means:

1 (a) a medical doctor; or

2 (b) a person trained in the field of mental health and
3 certified by the department in accordance with standards of
4 professional licensing boards, federal regulations, and the
5 joint commission on accreditation of hospitals.

6 (11) "Reasonable medical certainty" means reasonable
7 certainty as judged by the standards of a professional
8 person.

9 (12) "Respondent" means a person alleged in a petition
10 filed pursuant to this part to be seriously mentally ill.

11 (13) "Friend of respondent" means any person willing
12 and able to assist a seriously mentally ill person or person
13 alleged to be seriously mentally ill in dealing with legal
14 proceedings, including consultation with legal counsel and
15 others. The friend of respondent may be the next of kin, the
16 person's conservator or legal guardian, if any,
17 representatives of a charitable or religious organization,
18 or any other person appointed by the court to perform the
19 functions of a friend of respondent set out in this part.
20 Only one person may at any one time be the friend of
21 respondent within the meaning of this part. In appointing a
22 friend of respondent, the court shall consider the
23 preference of the respondent. The court may at any time, for
24 good cause shown, change its designation of the friend of
25 respondent.

1 (14) "Seriously mentally ill" means suffering from a
 2 mental disorder which has resulted in self-inflicted injury
 3 or injury to others or the imminent threat thereof or which
 4 has deprived the person afflicted of the ability to protect
 5 his life or health. For this purpose, injury means physical
 6 injury. No person may be involuntarily committed to a mental
 7 health facility or detained for evaluation and treatment
 8 because he is an epileptic, mentally deficient, mentally
 9 retarded, senile, or suffering from a mental disorder unless
 10 the condition causes him to be seriously mentally ill within
 11 the meaning of this part.

12 (15) "State hospital" means the ~~Warm--Springs~~ ~~Montana~~
 13 state hospital."

14 Section 19. Section 53-21-202, MCA, is amended to
 15 read:

16 "53-21-202. Duties of department. The department
 17 shall:

18 (1) take cognizance of matters affecting the mental
 19 health of the citizens of the state;

20 (2) initiate preventive mental health activities of
 21 the statewide mental health programs, including but not
 22 limited to the implementation of mental health care and
 23 treatment, prevention, and research as can best be
 24 accomplished by community-centered services. Such means
 25 shall be utilized to initiate and operate these services in

1 cooperation with local agencies as established under this
 2 part.

3 (3) make scientific and medical research
 4 investigations relative to the incidence, cause, prevention,
 5 treatment, and care of the mentally ill;

6 (4) collect and disseminate information relating to
 7 mental health;

8 (5) prepare and maintain a comprehensive plan for the
 9 development of public mental health services in the state.
 10 The public mental health services shall include but not be
 11 limited to community comprehensive mental health centers,
 12 mental health clinics, traveling service units, and
 13 consultative and educational services.

14 (6) provide by regulations for the examination of
 15 persons who apply for examination or who are admitted either
 16 as inpatients or outpatients ~~into--Warm--Springs~~ ~~to the~~
 17 ~~Montana~~ state hospital or other public mental health
 18 facilities;

19 (7) receive from agencies of the United States and
 20 other state agencies, persons or groups of persons,
 21 associations, firms, or corporations grants of money,
 22 receipts from fees, gifts, supplies, materials, and
 23 contributions for the development of mental health services
 24 within the state;

25 (8) establish standards for public mental health

1 facilities; and

2 (9) evaluate performance of public mental health
3 facilities in compliance with federal and state standards."

4 Section 20. Section 53-21-203, MCA, is amended to
5 read:

6 "53-21-203. Departmental contracts with mental health
7 corporations. (1) The department may enter into contracts
8 with regional mental health corporations for the purposes of
9 the prevention, diagnosis, and treatment of mental illness.
10 Under rules adopted by the department, mental health
11 corporations may be provided for directly by state agencies
12 or indirectly through contract or cooperative arrangements
13 with other agencies of government, regional or local,
14 private or public agencies, private professional persons, or
15 hospitals.

16 (2) State funds specifically appropriated for regional
17 mental health service contracts shall not exceed 50% of the
18 budget approved by the department. Furthermore, the
19 department may establish a system whereby funds appropriated
20 to the Warm-Springs Montana state hospital for patient care
21 may be transferred to the community mental health services
22 used to implement this part. If the patient load at Warm
23 Springs the Montana state hospital is reduced and these
24 patients become patients of a community mental health
25 service, a portion of the funds appropriated for Warm

1 Springs the Montana state hospital may be used to supplement
2 the regional budget. However, if those patients are returned
3 to Warm--Springs the Montana state hospital from the
4 community mental health services, these funds may revert
5 back to the Warm--Springs Montana state hospital. The
6 department shall establish rules to implement this
7 provision."

8 Section 21. Section 53-21-401, MCA, is amended to
9 read:

10 "53-21-401. Legislative intent. (1) It is the intent
11 of the legislature that geriatric patients at Warm-Springs
12 the Montana state hospital and geriatric residents of the
13 state who may in the future be placed at Warm-Springs the
14 Montana state hospital and who do not need intensive
15 psychiatric care receive care and treatment in nursing homes
16 located in community settings.

17 (2) It is the further intent of the legislature that
18 nursing homes providing such care and treatment be located
19 regionally so that the residents may be near their homes and
20 families.

21 (3) It is the further intent of the legislature that
22 these nursing homes shall be located in communities with:

23 (a) a labor pool large enough to ensure adequate and
24 qualified staffing;

25 (b) sufficient medical facilities and medical

1 professionals to provide necessary medical services; and

2 (c) if possible, an institution or institutions of
3 higher learning with educational programs in disciplines
4 with relevance to the problems of aging."

5 Section 22. Section 53-21-402, MCA, is amended to
6 read:

7 "53-21-402. Powers and duties of department of
8 institutions. The department of institutions:

9 (1) shall contract with nonprofit corporations which
10 demonstrate expertise in and the capability of providing
11 rehabilitative and restorative programs for aged citizens
12 for the operation and management of nursing homes
13 established under this part;

14 (2) shall ensure that nursing homes established and
15 operated under this part are in compliance with all
16 applicable federal and state regulations;

17 (3) shall adopt rules for staffing requirements and
18 the admission of patients;

19 (4) shall provide that geriatric residents of Warm
20 Springs ~~the Montana~~ state hospital have first priority for
21 admission to nursing homes established under this part;

22 (5) may accept grants, gifts, bequests, and
23 contributions in money or property or any other form from
24 individuals, corporations, associations, or federal, state,
25 and local government agencies for the purposes of

1 establishing and operating nursing homes under this part."

2 Section 23. Section 53-21-411, MCA, is amended to
3 read:

4 "53-21-411. Location and function of center. The
5 institution located at Lewistown is the Montana center for
6 the aged. The primary function of the center is the care and
7 treatment of persons who have been admitted to Warm-Springs
8 ~~the Montana~~ state hospital and subsequently transferred to
9 the center."

10 Section 24. Section 53-21-412, MCA, is amended to
11 read:

12 "53-21-412. Transfer of patients between Warm--Springs
13 ~~and--Galen-hospitals~~ Montana state hospital and center. With
14 the approval of the department of institutions, the Warm
15 Springs Montana state hospital may transfer a patient to the
16 center or from the center to the state hospital. ~~With-the~~
17 ~~approval-of-the-department-the-state-hospital-may-transfer~~
18 ~~a-patient-residing-at-the-center-to-Galen-state-hospital.~~
19 Unless a medical or psychiatric emergency exists, 15 days
20 prior to the transfer the department shall notify the
21 patient's parent, guardian, or spouse or, if none is known,
22 his nearest relative or friend. In the case of an emergency
23 transfer, the department shall send notice within 72 hours
24 after the time of transfer."

25 Section 25. Section 53-30-211, MCA, is amended to

1 read:

2 "53-30-211. Transfer of child to other facility or
3 institution -- notice. (1) The department of institutions
4 upon recommendation of the superintendent of a facility may
5 transfer a child resident in one of its juvenile facilities
6 to any other facility or institution under the jurisdiction
7 and control of the department.

8 (2) In the case of transfers of children in juvenile
9 facilities to ~~Warm-Springs~~ ~~the~~ ~~Montana~~ state hospital or
10 Boulder River school and hospital and unless medical or
11 psychiatric emergency exists, 15 days prior to the transfer
12 the department shall send notice of the proposed transfer to
13 the parents or legal guardian of the child and to the
14 district court who committed the child. In the case of an
15 emergency transfer, the department shall send notice within
16 72 hours after the time of transfer."

17 ~~NEW_SECTION.~~ Section 26. Repealer. Sections
18 53-21-301, 53-21-302, and 53-30-201, MCA, are repealed.

19 ~~NEW_SECTION.~~ Section 27. Code commissioner
20 instruction. Whenever the term "Warm Springs state hospital"
21 or "Galen state hospital" appears in any material enacted by
22 the 48th legislature, whether in new or amended sections,
23 the code commissioner is instructed to change such reference
24 to "Montana state hospital" and make such other incidental
25 changes in grammar and punctuation as may be required.

-End-

STATE ADMINISTRATION

January 31, 1983 (10:30 a.m.)

Page 4

CONSIDERATION OF SENATE BILL 267:

"AN ACT CHANGING THE NAME OF THE INSTITUTIONS AT WARM SPRINGS AND GALEN TO THE MONTANA STATE HOSPITAL; AMENDING SECTIONS..."

SENATOR MARK ETCHART, Glasgow, introduced this bill, stating their desire to change the names of Galen and Warm Springs to Montana State Hospital. He gave some history of the institutions and said that Galen had been just a TB center. He said since these two hospital are only two miles apart it is advantageous for them to be consolidated and it would make it easier for the people to administer the program.

PROPOSERS:

REPRESENTATIVE STEVE WALDRON, Missoula County, and chairman of the Institution Subcommittee, which has been dealing with the Galen and Warm Springs budget. They have just completed action this morning on that budget and are operating under the assumption of consolidation. Senator Etchart has also suggested consolidation of food services saving on 17 FTEs. For all practical purposes those two institutions are consolidated right now. Therefore name change seems logical.

KURT CHISOM, Deputy Director of the Department of Institution, stated that this bill was introduced at their request. He said the whole thing started in 1977 and in 1979 they consolidated a couple of services, one being the laundry service. They were then asked to report back to the 81 session what they could do to further consolidate. They then proposed complete consolidation. He suggested a verbal amendment: referring to page 12, line 16, that he would prefer the use of "agency" instead of "institution".

DR. SELLERS, superintendent to the consolidated facilities, spoke as a proponent and stated that this is a very favorable consolidation and asked support of this bill. He said they will get away from the "we" and "they" thing with the name change.

MICKEY MC TORDEVICH, director of environmental services for Warm Springs and Galen, asked for the support of S.B.267.

JERRY HOOVER, Division administrator for mental health and residential services, department of Institutions, stated that so far he has heard some fiscal reasons for consolidating and some administrative reasons, but stated he would like to mention the care and treatment of those committed.

STATE ADMINISTRATION
January 31, 1983 (10:30 a.m.)
Page 5

JEAN EDWARDS, Director of treatment services, went on record in support of S.B.267.

OPPONENTS: None

There was a question regarding the types of treatment, or who will do it.

KURT CHISOM, Deputy Director of the Dept. of Institution, said the reason for the wording is to emphasize the treatment of the combined health care agency. The first is care and treatment of mentally ill patients, done at Warm Springs campus; (b) refers to those sent to us as a combined agency for detoxification. This is inpatient care for those with chemical dependency. Tuberculosis will be kept in the Galen admission. (d) speaks to the detoxification, that is medical and must be handled in a hospital; (e) speaks contingent on space and funds which in the current language was addressing the Galen hospital for pulmonary diseases or other medical or organic disorder.

SENATOR MARK ETCHART closed on S.B.267.

CONSIDERATION OF SENATE BILL 284:

"AN ACT TO PROVIDE FOR THE INCLUSION OF CANDIDATE INFORMATION IN THE VOTER INFORMATION PAMPHLET; AMENDING SECTIONS 13-27-401, 13-27-409, AND 13-27-410, MCA."

SENATOR BOB BROWN, Senate District 10, introduced this bill by stating that it expands the voter information pamphlet, referring to the bill as to how this will be done.

MARGARET DAVIS, League of Women Voters, testified and submitted amendments. EXHIBIT 5.

ALAN ROBERTSON, legal counsel to the Secretary of State, stated that they have surveyed other states and found that they did this quite effectively. He said that two years ago Senator Eck had this idea but due to the time element and not having the work into it they did not get it out. He said that they feel strongly about voter information in the information pamphlet. He submitted amendments shown as EXHIBIT 6, which has to do with the address. He stated he could not say whether he could support the League of Women voters' amendments as he has not had a chance to review them as yet.

JOE LAMSON, Executive Secretary to the Democratic Party, stated that he joins with the others and stated that this is a good bill.

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

4th LEGISLATIVE SESSION -- 1983

Date 1/31/83

10:30 a.m.

SENATE
SEAT :

[illegible]

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Each day attach to minutes.

DATE January 31, 1983

COMMITTEE ON

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Bill Opitz	Mont PSC	SB-269	X	
Joy Bruck	LWV OF MONTADA	SB 286		X
ART KORN	MT. ST. VOL FIREMEN'S ASSOC	SB 268	X	
James Fisher	Mont Vol Firemen's Assoc	SB 268	X	
Clara Quaine	MT ST. Vol Firemen's Assoc	SB 268	X	
ALAN ROBERTSON	SEC. OF STATE	SB 284	X	
MS DAVIS	LWV MT		Amended SB 284	
Mike Zimmerman	MPCO	SB 269	Xw Amend	
Bob Delam	Mont. PSC	SB 269	X	
Tom Ryan	Mont State Ct App	SB 269	X	
R.H. Ellis	Mont Vol Firemen's Assoc	SB 268	X	
JOE LAMSON	MT. DEMOCRATIC PARTY	SB 284	X	
"	"	SB 286		X
Ed Smith	Senate	SB 286	X	
Donna Mott	Sen Sen mt	SB 284	X	
Bob Brown	Senate	SB 284	X	
Dennis Bergvall	MONT. REPUBLICAN PARTY	SB 284	X	
Carol L. Ferguson	MT. H.R. Mining Bd	SB 267		
MS DAVIS	LWV MT	SB 286		X

(Please leave prepared statement with Secretary)

MINUTES OF THE MEETING OF THE HOUSE STATE ADMINISTRATION COMMITTEE
March 18, 1983

CHAIRMAN JOE BRAND called the meeting to order at 8 a.m., in Room 129, Capitol building, Helena, Montana.

Roll call was taken and all members were present except Representatives Smith and Bardanouve.

SENATE BILL 267

SENATOR MARK ETCHART, sponsor of Senate Bill 267, gave an introduction to this bill. The Department of Institutions asked him to sponsor the bill. It formalizes what has been in progress for the last two years. This is the consolidation of the administration of the Warm Springs State Hospital and the hospital at Galen. Two years ago the subcommittee thought that there could be some economy by the consolidation of these for administrative purposes. The functions have changed so much from what they were originally designed for. This takes a lot of housekeeping language to change the terminology from the Warm Springs State Hospital to the Montana State Hospital. Galen would be for residential treatment and the Montana State Hospital would be for a health unit. He then introduced Curt Chisholm from the Department of Institutions to explain further.

PROPOSERS

CURT CHISHOLM, Deputy Director, Department of Institutions, explained what Senate Bill 267 would do. It recognizes the administrative consolidation of the two previously independent hospitals, at least in terms of statutory definition. We were told to do this and agreed to do it during the last session of the legislature. This was originally decided to make things more efficiently run at both facilities. When we reported back to the 1979 session the goal at that particular time was to consolidate the laundry facilities on those two campuses which was done at the Warm Springs campus. It is now a centralized operation handling the Warm Springs hospital, Galen and the Montana State Prison. We were asked to come back with a full report during the 1981 session, which we did and based upon the report, we were asked to go ahead and administratively consolidate the two institutions. So now, in 1983 we are here with a bill that officially recognizes that consolidation. One advantage of this legislation is that it not only culminates long standing efforts of the legislature but it gives us the opportunity to clarify the legal status and functions of those agencies. As most of you know, Galen has been floating down there with no real sense of purpose. It is known right now as the state's tuberculosis sanitarium and the place for alcoholics. We still care for them there but we are more precisely defining the role of that institution now which gives it more stability. It has two components on its campus, a chemical dependency treatment function and also a hospital and long-term care facility for any patient under the care of the Department of

Institutions. This is a major step in protecting the mission of those two campus facilities, and it gives it a better sense of definition.

THERE WERE NO ADDITIONAL PROPONENTS AND NO OPPONENTS TO SENATE BILL 267. SENATOR ETCHART CLOSED.

COMMITTEE QUESTIONS

REPRESENTATIVE PAUL PISTORIA ask how far apart Galen and Warm Springs are. Curt Chisholm replied that it is approximately 4.6 miles. Representative Pistoria then ask how far it was from the prison. Curt Chisholm replied that it is about 15 miles from Warm Springs to the prison and about 11 miles from Galen.

REPRESENTATIVE WALTER SALES ask where they send the juvenile delinquents now, that use to go up to Galen. Curt Chisholm said that they still operate a lighthouse drug program at Galen which is a 15-bed long-term care program for drug addicts who can range from young juveniles to adults.

Representative Sales ask about the section of the law that is being repealed by this bill. Curt Chisholm explained that this is a housekeeping measure. This was put in the statutes in the late 60's but it was never funded. We are getting some redundant language out of the statute.

CHAIRMAN JOE BRAND asked if that was what all of the three sections that are being repealed by this bill would do. Curt Chisholm replied, "Yes, they all refer to the juvenile admissions and diagnostic center on the Galen campus where it was permissive for us to do this but it was never funded.

Chairman Brand asked what types of children were in the back area of the campus that was connected with the Boulder River School and Hospital. Curt Chisholm replied that years ago this was the children's TB hospital. This does not have anything to do with these sections.

Chairman Brand ask if the sections that cover these types of people are still in effect today. Can they still be kept at Galen? Curt Chisholm replied that they could; one of the missions of the Galen hospital is to serve the tuberculosis patients whether they are young adults or children or whatever. Chairman Brand said that he was not talking about tuberculosis patients. He is talking about the types of people that are at Boulder, who were previously at Galen. Mr. Chisholm replied that they don't have them there any more. We can't serve those kinds of children at Galen by virtue of the DD Commitment Act. They have to go to Boulder, Eastmont or some community based program. We haven't been able to serve them since 1975.

Chairman Brand said that Mr. Chisholm had eluded to the fact that they were going to have better services available. Are you saying that it is an added attraction to have kitchen services available at Warm Springs but not at Galen. Mr. Chisholm replied that that this recommendation came from the appropriations committee, that they could operate out of one major kitchen. They truck the food from one campus to the other. We will be operating a kitchen at Galen to warm food and prepare special diets.

Chairman Brand ask how much money this would save between the two institutions. Curt Chisholm replied that he was not sure on that. Chairman Brand said that at the prison the food is being moved 100 yards and it is cold. How are we to believe that moving it 4.6 miles will keep the food warm? I would rather have the food warm and palatable to those people at Galen than they are at the prison. Curt Chisholm stated that they were having problems with the food at the prison and it was attributed to the use of the type of tray we were using. We are going to start bulk food delivery.

REPRESENTATIVE WALTER SALES asked about one of the repealers having to do with the qualifications for the Superintendent at Warm Springs. Is this covered some other way. Mr. Chisholm said that it was. The definition for the Superintendent at Galen serves our interests better and so we chose to repeal the other since this would be a consolidation.

THERE WERE NO FURTHER QUESTIONS FROM COMMITTEE MEMBERS SO
CHAIRMAN BRAND CLOSED ON THIS BILL.

EXECUTIVE SESSION

SENATE BILL 267

REPRESENTATIVE GLENN MUELLER MOVED Senate Bill 267 BE CONCURRED IN and this was seconded by Representative Joe Hammond. The question being called, motion carried unanimously.

Representative Glenn Mueller will carry the bill on the House floor.

Senate Bill 267 was reported out of the committee this date
BE CONCURRED IN.

SENATE BILL 314

REPRESENTATIVE CLYDE SMITH MOVED Senate Bill 314 BE CONCURRED IN and this was seconded by Representative Duane Compton. The question being called, the motion carried unanimously by voice vote.

Representative Clyde Smith will carry the bill on the House floor.

STANDING COMMITTEE REPORT

MARCH 18

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MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 267
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REPORT XXXXXX
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"AN ACT CHANGING THE NAME OF THE INSTITUTIONS AT WARM SPRINGS AND CALEN TO THE MONTANA STATE HOSPITAL; CLARIFYING THE FUNCTIONS OF THE HOSPITAL; AND ELIMINATING THE JUVENILE RECEPTION AND EVALUATION CENTER; AMENDING SECTIONS 7-32-2144, 46-14-202, 46-14-213, 46-14-301 THROUGH 46-14-304, 46-19-202, 50-17-104, 53-1-104, 53-1-202, 53-1-402, 53-6-301 THROUGH 53-6-304, 53-20-214, 53-31-102, 53-21-202, 53-21-203, 53-21-401, 53-21-402, 53-21-411, 53-21-412, AND 53-30-211, MCA; REPEALING SECTIONS 53-31-301, 53-21-302, AND 53-30-201, MCA; AND INSTRUCTING THE CODE COMMISSIONER TO MAKE PROPER CHANGES IN MATERIAL ENACTED BY THE 48TH LEGISLATURE."

Respectfully report as follows: That SENATE Bill No. 267

~~DO PASS~~ BE CONCURRED IN

VISITORS' REGISTER

HOUSE STATE ADMINISTRATION COMMITTEE

BILL SENATE BILL 267

Date MARCH 18, 1983

SPONSOR SENATOR ETCHART

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.